

A-E CONTRACTING BULLETIN 96-13, 19 NOV 96

SUBJECT: ADVANCE SELECTION PROCESS

1. By CEMP-ES memorandum of 9 March 1994, we initiated a test of an A-E selection method entitled "Selection of Architect-Engineer Firms for Facility Types." The test was successful, so we institutionalized the process in EFARS 36.602(S-100), calling it the "advance selection process." The EFARS describes the essential aspects of the process but does not give all the details that were included in the March 1994 memo. To fill this void, the implementation procedures in the March 1994 memo will be updated and included as an appendix in the forthcoming ER 715-1-20 (see Bulletin 96-07). A draft copy of this appendix, including an example CBD announcement, is enclosed for your interim use.

2. The advance selection process allows a single announcement and selection process for a specific type of work prior to receiving authorization for any work of that type. This process can save 60-75 days in the A-E contracting process since contract negotiation can begin soon after authorization of a new project.

3. The following critical points must be followed in applying this process:

a. There must be a reasonable anticipation of two or more A-E contracts for this type of work.

b. There must be a specific type of work (design of barracks, design of flood protection structures, seismic studies, hydrographic surveys, etc.) in order to conduct a meaningful Brooks Act selection.

c. The synopsis must state that none of the projects are yet authorized and that funds are not presently available for any contracts.

d. The selection process must be carried all the way through to an approved list of firms based on the announced selection criteria. You can not do a preselection and then a separate selection for each specific project. That would inherently introduce additional selection criteria (although they may be subtle) that were not in the CBD.

e. All selected firms must be technically equal and most highly qualified based on the primary selection criteria. If there are not at least three technically equal and most highly qualified firms, the synopsis must be canceled and regular selection procedures used. The rank order of the selected firms must be based only on the secondary criteria. Why? Read the footnote on page N-1 of attached appendix.

f. Negotiations must begin with the highest qualified firm that has not been offered a contract for negotiation. Begin again with the top ranked firm if the list is exhausted.

g. Contracts can only be awarded for one year after selection approval.

4. Call me if you have a question on this. We need to do it right so we do not jeopardize our authority for this valuable time-saving process.

5. This bulletin has been coordinated with Laura Meeker, Senior Counsel for Procurement Policy.

Encl

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APPENDIX N

ADVANCE SELECTION PROCESS

1. Authorization. The advance selection of A-E firms for a specific type of work is authorized by EFARS 36.602(100). This appendix provides implementing procedures.

2. Applicability.

a. If two or more A-E contracts for the same type of work are reasonably anticipated in a given period in a particular geographic area, a single synopsis and selection process covering that particular type of work may be conducted prior to receiving specific authorization for any work of that type. The contracts must have similar requirements such that generally the same firms would have been interested and selected if the contracts were synopsized and selected individually.

b. This process is appropriate for the design of a specific type of construction project (such as barracks, Army Reserve Centers, airport runways, utility monitoring and control systems, family housing upgrades, flood protection structures, or shoreline erosion prevention), specific types of engineering or architectural services (such as seismic studies, asbestos surveys, interior architectural renovations, or real property master planning), or topographic or hydrographic surveying and mapping services. If one or more of the anticipated projects have unique requirements such as special seismic, geologic, or environmental conditions, this procedure is not appropriate for those unique projects. Specific unique projects can be cited as being excluded in the synopsis and separate synopses issued for those projects.

c. This method may either may applied on a district or MSC basis. If applied on a MSC basis, the MSC will select a lead district to issue the CBD synopsis and coordinate the A-E evaluation board(s).

3. Synopsis. A brief, written justification will be prepared by the Chief, Engineering Division and approved by the Chief, Contracting Division prior to issuing a district-wide synopsis. Similarly for a MSC-wide synopsis, a justification will be prepared by the Director of

Engineering, approved by the Director of Contracting, and provided to the lead district to issue a synopsis. The synopsis will indicate that none of the projects are yet authorized and that funds are not presently available for any contracts (see FAR 32.703-2(a) and 32.705-1(a) and the clause at 52.232-18). An example synopsis is enclosed.

4. Selection.

a. For a MSC-wide synopsis, all concerned districts should participate in the preselection (if held) and selection boards. Using agency participation is not required.

b. The selection process will proceed through the approval of a ranked list of most highly qualified firms. All of the selected firms must be technically equal and most highly qualified, based on the primary selection criteria. The ranking of the selected firms must be based only on the secondary selection criteria¹. The number of selected firms may be more or less than the anticipated number of contracts, but at least three firms must be deemed technically equal and most highly qualified. Otherwise, the synopsis must be canceled and regular selection procedures used.

c. A selection based on a district-wide synopsis must be approved by the MSC if the price of any contract resulting from the synopsis is estimated to exceed the district selection authority under EFARS 36.602-4. A selection based on a MSC-wide synopsis must be approved by

The Brooks Act requires that negotiation begin with the highest qualified firm. Hence, all of the selected firms must be equally (and highest) qualified in order that negotiation of the second and subsequent contracts may begin with other than the first firm on the selection list. The highest qualified firms are determined by application of the primary selection criteria which considers technical capabilities. Their ranking is then determined by the secondary selection criteria, which are socioeconomic, and not technical, in nature.

the MSC. The selected firms will be notified of their ranking. The selected list of firms must be used for all work of the designated type during the period stated in the public announcement. Separate synopses for specific contracts for this type of work shall not be issued later unless specifically identified as excluded in the generic synopsis.

5. Negotiation and Award. When the first contract for the designated type of work is authorized, the top ranked firm will be issued a request for price proposal and negotiations initiated. When a subsequent contract is authorized or when negotiations on a previously authorized contract have not been successful, negotiations shall begin with the next ranked firm that has not been offered a contract for negotiation. If the list of ranked firms is exhausted, the negotiation cycle shall begin again with the top ranked firm. If a selection is MSC-wide, the MSC will control the approved list of ranked firms. When a district is authorized to perform a project, they will advise the MSC and be assigned the next firm for negotiation. Contracts resulting from an advance selection process may be awarded for a period of up to one year after the date of selection approval.

EXAMPLE ADVANCE SELECTION CBD SYNOPSIS

C Architect and Engineering Services - Construction

US Army Corps of Engineers, Ft. Worth District, P.O. Box 17300, ATTN: CESWF-ED-MS, Room 705, 819 Taylor Street, Ft. Worth, TX 76102-0300

C-DESIGN OF VEHICLE MAINTENANCE SHOPS IN AR, LA, NM, OK & TX. POC John Smith, (817)334-1234. 1. **CONTRACT INFORMATION:** a. Nature of Work: A-E services are expected to be required for the design of approximately four Army and Air Force vehicle maintenance shops in the Southwestern Division (Ft. Worth and Tulsa Districts) of the Corps of Engineers (AR, LA, NM, OK & TX). A-E services may include site investigation, planning, engineering studies, concept design, final design (option), and construction phase engineering support (option). The A-E contracts will be awarded between Oct 96 and Sep 97. Concept designs will usually be completed within 3-6 months of contract award and final design completed within 6-9 months of concept design approval. b. Contract Award Procedure: This will be the only announcement for the design of vehicle maintenance shops in the Southwestern Division during the next 12 months, except for a maintenance shop at Ft. Hood which will be announced and selected separately due to special site conditions. A separate firm-fixed-price contract will be negotiated and awarded for each project. A list of at least three most highly qualified and technically equal firms will be selected using the primary criteria listed below. If there are not at least three most highly qualified and technically equal firms, the synopsis will be cancelled. The firms will be ranked for order of negotiation using the secondary criteria listed below. When a directive for the first project of this type is received, negotiations shall begin with the top ranked firm. When a directive is received for a subsequent project, or if negotiations with a firm for a project are unsuccessful, negotiations shall begin with the next ranked firm that has not been offered a contract for negotiation. If the list of ranked firms is exhausted, the negotiation cycle shall begin again with the top

ranked firm. None of the projects have been authorized for design and funds are not presently available for any contracts (see FAR 52.232-18). This announcement is open to all businesses regardless of size. If a large business is selected to negotiate a contract estimated to exceed \$500,000, it must comply with FAR 52.219-9 regarding the requirement for a small business (SB) and small disadvantaged business (SDB) subcontracting plan on that portion of the work it intends to subcontract. The subcontracting goals for the Fort Worth District, which will be considered by the contracting officer when negotiating a subcontracting plan, are that a minimum of 65% of a contractor's intended subcontract amount be placed with small businesses (SB), including small disadvantaged businesses (SDB), and 8% be placed with SDB. The plan is not required with this submittal. 2. **PROJECT INFORMATION:** Vehicle maintenance shops ranging from 25,000 to 150,000 sq ft. Facilities typically include traveling bridge cranes, vehicle and industrial exhaust systems, fuel dispensing, battery charging, arms room with intrusion detection system (power conduit rough-in only), fire protection systems, oil-water separators, and waste oil disposal system. Supporting facilities typically include water, sewer, natural gas, HVAC, electric service, security lighting, parking, storm drainage, and information systems. The estimated construction costs range from \$1,000,000 to \$10,000,000. 3. **SELECTION CRITERIA:** See Note 24 for general selection process. The selection criteria in descending order of importance (first by major criterion and then by each sub-criterion) are listed below. Criteria a-f are primary. Criteria g and h are secondary and will only be used as a tie-breaker among technically equal firms. a. Specialized experience and technical competence in: (1) Design of vehicle maintenance shops. (2) Fire protection design for maintenance shops. (3) Design of waste oil collection and disposal systems. (4) Design of fuel dispensing facilities. (5) Construction cost estimating, and preparation of estimates on IBM-compatible personal computers using Corps of Engineers' Computer Aided Cost Estimating System (M-CACES) (software provided by USACE) or similar software. (6) Producing CADD drawings. (7) Producing quality designs based on evaluation of a firm's

design quality management plan (DQMP). The evaluation will consider the management approach, coordination of disciplines and subcontractors, quality control procedures, and prior experience of the prime firm and any significant subcontractors on similar projects. b. Qualified registered professional personnel in the following key disciplines: project management (architect or engineer), architecture, fire protection engineering, mechanical engineering, electrical engineering, structural engineering and civil engineering. The evaluation will consider education, training, registration, overall and relevant experience, and longevity with the firm. c. Past performance on DoD and other contracts with respect to cost control, quality of work, and compliance with performance schedules. d. Demonstrated experience in the design of buildings in the general region of the Southwestern Division.² e. Capacity to perform the work in the required time. The evaluation will consider the experience of the firm and any significant consultants in similar size projects, and the availability of an adequate number of personnel in key disciplines. f. Demonstrated success in prescribing the use of recovered materials and achieving waste reduction and energy efficiency in facility design. g. Extent of participation of SB, SDB, historically black colleges and universities, and minority institutions in the proposed contract team, measured as a percentage of the total estimated effort. h. Volume of DoD contract awards in the last 12 months as described in Note 24. **4. SUBMISSION REQUIREMENTS:** See Note 24 for general submission requirements. Interested firms having the capabilities to perform this work must submit two copies of SF 255 (11/92 edition), and two copies of SF 254 (11/92 edition) for the prime firm and all consultants, to the above address not later than the close of business on the 30th day after the date of this announcement. If the 30th day is a Saturday, Sunday, or Federal holiday, the deadline is the close of business of the next business day. Include the firm's ACASS number in

SF 255, Block 3b. For ACASS information, call 503-326-3459. In Block 10 of the SF 255 describe the firm's overall DQMP, including management approach, coordination of disciplines and subcontractors, and quality control procedures. A project-specific design quality control plan must be prepared and approved by the Government as a condition of contract award, but is not required with this submittal. Solicitation packages are not provided. This is not a request for proposal.

Do not use this criterion if the synopsis is for a small geographic area, such as one or two states. Instead, use knowledge of the locality (include specific requirements) as a primary criterion and geographic proximity as a secondary criterion.